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8/4/03
SP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

HEROUX et al.

Appln. No. 09/023,483

Filed: February 13, 1998

FOR: ASSAY METHODS FOR NUCLEIC ACID IN A SAMPLE

Allowed: May 23, 2003

Confirmation No.: 6994

Group Art Unit: 1637

Examiner: J. Tung

* * *

SEPARATE RECORD OF THE SUBSTANCE OF THE INTERVIEW

June 19, 2003

Hon. Commissioner for Patents

MS ISSUE FEE

Washington, D.C. 20231

Sir:

With regard to the Interview Summary dated May 19, 2003 (Paper No. 28), the following is Applicants' record of the substance of the interview: (a) the Examiner was authorized to cancel claims 34-37, 41-61, 75-79 and 93-97 and (b) she was advised that some or all of the foregoing dependent claims would be amended in an Amendment under 37 CFR 1.312 to depend from a different claim which was still pending.

The claims remain allowable for the reason of record: "No prior art has been found teaching or suggesting a method for determining total nucleic acid in a sample" (page 2 of the Notice of Allowability). The Examiner is invited to contact the undersigned if any further information is required.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

Gary B. Tanigawa
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Atty Dkt. 2528-2

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Title: ASSAY METHODS FOR NUCLEIC ACID IN A SAMPLE

**Mail Stop Issue Fee**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

STATEMENT IN REPLY TO INTERVIEW SUMMARY

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment 72 minus highest number
Previously paid for 97 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 12 minus highest number
Previously paid for 19 (at least 3) = 0 x \$ 84.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this
Paper and attachment(s) (\$110.00/1 month; \$410.00/2 months; \$930.00/3 months) \$ 0.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$750.00) \$ 0.00

☐ Please enter the previously unentered, filed☐ Submission attached**SUBTOTAL \$ 0.00**

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: \$ 0.00

TOTAL FEE ENCLOSED \$ 0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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GRT:ap

NIXON & VANDERHYE P.C.

By Atty: Gary R. Tanigawa, Reg. No. 43,180

Signature: 